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WSDA takes enforcement action against Ferndale dairy

OLYMPIA – Concern that runoff from a Ferndale dairy farm will contaminate the Lummi River and eventually flow into Puget Sound has prompted the Washington State Department of Agriculture (WSDA) to take formal action against the dairy owner.

An Immediate Action Order was issued Monday (Oct. 25) to Aron Hovander, owner of the Hovander Dairy. The order details six action steps Hovander must take to control manure runoff from his lagoons and bring his facility into compliance with his nutrient management plan and the state Water Pollution Control Act. This is the first time the state Department of Agriculture has taken this level of enforcement action since the Legislature gave WSDA responsibility for the Livestock Nutrient Management Program in July 2003.

“We don’t take this step lightly. This is a very serious action,” said Nora Mena, director of the Livestock Nutrient Management Program. “We’ve tried to work with Mr. Hovander for several months, but have seen little or no progress toward controlling manure runoff from his dairy. It would be unfair to all the other dairy producers who have worked so hard and are doing such a good job to allow Mr. Hovander to continue operating in such an environmentally unsafe manner.”

The Hovander Dairy was in the news in late July when one of its manure lagoons caught fire. The fire burned for almost four days before firefighters put it out by pumping liquid out of an adjacent lagoon and spraying the sludge back on the fire.

Among the steps WSDA is requiring in its Immediate Action Order is that Hovander demonstrate that his dairy operation has significant storage capacity to handle all manure produced at his facility through the winter. Further, Hovander must demonstrate that an underground pipeline to a newer, nearly empty lagoon a few miles away is in good working condition and that he has the necessary equipment to pump manure from his dairy facility to that lagoon throughout the winter months.

“We’re particularly concerned about what will happen during the winter when we get heavy rains,” Mena said. “There has already been some discharge from the lower lagoons into a nearby field ditch. Our goal is to protect the Lummi River from manure discharge.

Mena said WSDA has been working with the Lummi tribe and the state Department of Ecology on water-quality issues related to the Hovander Dairy.

WSDA takes enforcement action against dairy – 2 of 2
Oct. 27, 2004

The Immediate Action Order does not prevent Hovander from continuing to operate his 350-cow dairy. He also has the option to appeal the order to the Pollution Control Hearings Board.

Hovander has until Nov. 29 to comply with the actions outlined in the Immediate Action Order. If he fails to make the necessary improvements, WSDA will likely go to Whatcom County Superior Court for a court order requiring Hovander to bring his dairy into compliance.

In the meantime, Mena said WSDA will continue to monitor the dairy's lagoons and the potential for a major spill.

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